



MARINE SAFETY NEWSLETTER



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The Marine Safety Newsletter is published by the USCG Marine Safety and Environmental Protection Directorate to collect and disseminate information that is of general interest to the maritime community. The monthly Newsletter prints abstracts of major USCG rulemakings, studies, special projects, and related events. Articles from non-Coast Guard sources may not represent USCG policy or views.

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G-M REGULATORY PROJECTS

OPA 90

The list of studies, reports, and rulemakings is a listing of pending projects. Within each section, projects are arranged sequentially according to the section number of the Act.

The number in parentheses following the abbreviated project title is the OPA 90 project number. When calling to request additional information, please reference this number.

To support the President's regulatory reinvention initiative (PRRI), the Coast Guard has embarked on an ambitious mission to reinvent and eliminate regulations that are obsolete or outdated, regulations placing U.S. businesses at a competitive disadvantage to foreign industry. This project is a high priority for the Coast Guard impacting other project time schedules. The Coast Guard is readjusting the schedules for non-PRRI projects and will update the project schedules in the newsletter as appropriate.

**SEC.1013(e)
Claims Procedures (8) and
SEC.1014(b)
Designation of Source
and Advertisement (9)**

Addresses the presentation, filing, processing, settlement and adjudication of claims against the Fund, as well as the advertisement of designation and the notification of claims procedures.

Status: Interim Rule published 12 August 1992, 57 FR 36314, 33 CFR Part 136.

Contact: Mr. Skall, tel.: (703) 235-4700, fax: (703) 235-4838.

**SEC.1016(a)
Financial Responsibility
(10)**

Requires vessel owners and operators to demonstrate and maintain evidence of financial responsibility meeting the limits of liability established by section 1004(a) of OPA 90.

Status: Final Rule published March 7, 1996.

Contact: LCDR Steve Carpenter, tel.: (703) 235-4708, fax: (703) 235-4838.

**SEC.3002
U.S. Canada Great Lakes
Oil Spill Cooperation and
SEC.3003
U.S. Canada Lake
Champlain Oil Spill
Cooperation (12 and 87)**

Requires the Department of State to review international agreements and treaties with the Government of Canada regarding the prevention of oil discharges, assurance of removal of oil, and full compensation to those injured by a discharge on the Great Lakes and Lake Champlain.

Status: Discussions ongoing between U.S. and Canada.

Contact: LT Cliff Thomas, tel.: (202) 267-1099.

**SEC.4103 CGD 94-101
Suspension and
Revocation of Licenses,
Certificates of Registry,
and Merchant Mariner's
Documents for Alcohol
and Drug Abuse (19)**

Will allow the USCG to temporarily suspend and take possession of a license, COR, or MMD before a hearing under certain circumstances; adds two new bases under which merchant mariner credentials may be suspended or revoked; and imposes a new requirement on a mariner that must be satisfied before merchant mariner credentials can be issued after revocation.

Status: Will be merged with 94-111, Update 46 CFR 5, Personnel Action. (See Projects 18 and 21)

Contact: LT J. Griffin, tel.: (202) 267-0687.

**SEC.4106(b)
CDG 91-216 Reporting
Marine Casualties (23)**

Requires oil and hazardous materials discharges to be reported to the USCG. Adds "significant harm to the environment" to the list of reportable marine casualties. Includes reporting a marine casualty involving a citizen of the U.S. on a foreign flag passenger vessel.

Status: Regulations are being developed.

Contact: ENS Nguyen, tel.: (202) 267-1100, fax: (202) 267-4547.

G-M REGULATORY PROJECTS (CONT'D)

- SEC.4111
Study on Tanker
Navigation Safety
Standards (30)**
- Requires the Secretary to report on the adequacy of existing laws and regulations to ensure the safe navigation of vessels transporting oil.
- Status:** Study is being conducted in 12 parts. Congress will review periodic reports as sub-studies are completed.
- Contact:** Mr. Bruce Novak, tel.: (202) 267-6819, fax: (202) 267-4547.
-
- SEC.4113 (a and b)
Use of Liners (33)**
- EPA is determining if liners should be used to prevent leaking at onshore facilities located near navigable waters that are used for the bulk storage of oil.
- Status:** EPA will make recommendations in a report which is currently being drafted. Next action undetermined.
- Contact:** Mr. Mould, tel.: (703) 603-8728, fax: (703) 603-9116.
-
- SEC.4115
Marine Board OPA 90
Implementation Review**
- Status:** The Marine Board of the National Academy of Sciences has been retained by the Coast Guard to study the effects of the implementation of Section 4115 of OPA 90 on the marine oil transportation industry. The two-year study commenced in February 1995.
- Contact:** Mr. Sirkar, tel.: (202) 267-6925, or (202) 267-6826.
-
- SEC.4115(a)
Research in Tanker
Groundings (38A)**
- This non-mandated study is being conducted by the USCG to determine if regulations are needed to implement this section of the Act. This study explores the behavior of tanker structures during groundings.
- Status:** Research is being conducted at MIT, Final Report should be complete Summer 1996.
- Contact:** Mr. Sirkar, tel.: (202) 267-6925.
-
- SEC.4115(b)
Existing Tank Vessel
Requirements (37)**
- Requires additional structural and operational measures for single-hull tank vessels, of 5000 gross tons or more, until the phase-out date, to reduce pollution.
- Status:** Final Rule on Operational Measures published July 30, 1996 and discussed in this issue of the Marine Safety Newsletter. SNPRM on Structural Measures was published December 28, 1995 (60FR 67226) with a comment period that was extended until April 10, 1996. A correction notice was also published for Table 2 of the SNPRM on February 21, 1996 (61 FR 6590). A public meeting was held on March 19, 1996.
- Phase I:** A final rule consisting of requirements for lightering equipment and the reporting of a vessel's international IMO number prior to port entry was published August 5, 1994 (59 FR 40186).
- Phase II:** A final rule consisting of operational measures including company management and policy requirements, survey requirements, and some maneuverability measures has been made final on July 30, 1996. This article in this newsletter for additional information.
- Phase III:** A supplemental NPRM detailing the structural requirements reviewed for these vessels and also other alternative measures for reducing the outflow of oil if the vessel becomes damaged. The SNPRM was published on December 28, 1995 (60 FR 67226).
- Contact:** Phase I: Mr. Bob Gauvin, tel.: (202) 267-1053, fax: (202) 267-4690.
Phase II III: LCDR Englebert, tel.: (202) 267-1492, fax: (202) 267-4547.
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- SEC.4115(c)
Escorts for Certain
Tankers; Other
Geographic Areas (44a)**
- Designates U.S. waters (other than PWS, AK and Puget Sound, WA) where single hull tankers must be escorted.
- Status:** USCG is reviewing comments from the ANPRM and public hearings. USCG considering of public comments and NPRM is being drafted.
- Contact:** Mr. Jordan, tel.: (202) 267-2988, fax: (202) 267-4816.
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G-M REGULATORY PROJECTS (CONT'D)

**SEC.4202(a)
[FWPCA 1321(j)(6)]
Removal Equipment
Requirements and
Inspection/Contractor
Classification (90) and (91)**

Requires the inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges. To facilitate compliance by industry and verification of compliance by the Federal Government with this provision and with the response plan requirements, the USCG is working with ASTM to develop consensus standards for terminology, guidelines, recommended practices, and equipment test methods. Also, although not specifically required by OPA 90, standards for classifying OSROs by their estimated capacity to contain and remove oil spills facilitates response plan preparation by industry, plan review by the Federal Government, and OSROs' ability to evaluate their own capability.

Status: Rulemaking activities deferred. OSRO guidelines issued January 3, 1996.

Contact: LT Hoover, tel.: (202) 267-0448, fax: (202) 267-4085.

**SEC.4202(a) CDG 94-032
Tank Vessel Response
Plans: Hazardous
Substances (95)**

Requires owners or operators of tank vessels carrying hazardous substances to submit a response plan for worst case discharges.

Status: ANPRM in final clearance, May 3, 1996 (61 FR 20084)

Contact: LT Thomas, tel.: (202) 267-1099, fax: (202) 267-4547.

**SEC.4202(a) CDG 94-048
Facility Response Plans:
Hazardous Substance
(96)**

Requires owners or operators of onshore marine transportation-related facilities to submit a response plan for worst case discharges of hazardous substances.

Status: ANPRM in final clearance, May 3, 1996 (61 FR 20084)

Contact: LT Thomas, tel.: (202) 267-1099, fax: (202) 267-4547.

Non-OPA 90 Regulatory Projects

The following is an outline of other G-M regulatory projects including their status and completion dates. The Marine Safety Newsletter will update this listing as new projects develop.

To support the President's regulatory reinvention initiative (PRRI), the Coast Guard is eliminating regulations that are obsolete or outdated, or regulations placing U.S. businesses at a unnecessary competitive disadvantage to foreign industry. This project is a high priority for the Coast Guard impacting other project time schedules. The Coast Guard is readjusting the schedules for non-PRRI projects and will update the project schedules in the newsletter as appropriate.

**CGD 79-116
Tankerman**

Rulemaking would define and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid Cargoes.

Status: IFR published April 4, 1995 (60 FR 17134), effective March 31, 1996. The comment period closes on May 28, 1996.

Contact: Mr. Mark Gould, tel.: (202) 267-6890.

**CGD 84-069
Lifesaving Equipment—
Implementation of 1983
Amendments to SOLAS
1974**

Project implements the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July 1986. It also reorganizes the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Status: INTERIM RULE published May 20, 1996 (61 FR 255272). Comment period closes July 31, 1996.

Contact: Mr. Bob Markle, tel.: (202) 267-1076.

**CGD 85-080
Small Passenger Vessel
Inspection and
Certification**

This rulemaking revises subchapters S and T and creates a new subchapter K to reflect statutory changes, incorporates new technology, and improves safety requirements.

Status: Comment period ended on June 10, 1996. IFR published on January 10, 1996 (61 FR 864). FR being drafted.

Contact: LT Eric Christensen, tel.: (202) 267-1055.

G-M REGULATORY PROJECTS (CONT'D)

CGD 85-205
Revision to Inflatable
Liferaft Approval:
SOLAS 74/83

This project will establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Status: FR being drafted.

Contact: Mr. Kurt Heinz, tel.: (202) 267-1079.

CGD 86-074
Offshore Supply Vessel
Regulations

Regulations will consolidate existing offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged.

Status: Comment period ended March 31, 1996. FR being drafted.

Contact: Mr. Jim Magill, tel.: (202) 267-1082.

CGD 88-079
Implementation of the
Commercial Fishing
Vessel Safety Act

This project addresses topics that were separated from the Commercial Fishing Industry Vessel Regulations that were issued in August 1991. These topics include: administration of exemptions authorized by 46 U.S. C. 4506; termination of unsafe operations; requirement for survival craft on fishing vessels with 3 or fewer individuals on board with 12 miles of the coastline and outside the boundary line; and acceptance criteria for instructors and course curricula. This project also makes several technical corrections to improve regulatory consistency.

Status: INTERIM RULE clearance.

Contact: LCDR Mark D. Bobal, tel.: (202) 267-0836.

CGD 89-050
Vessel Identification
System

Project establishes a Vessel Identification System (VIS). Rulemaking will prescribe the manner and form for participating States to make information available for VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines.

Status: IFR published April 25, 1995 (60 FR 20310). Notice of delay of effective date for Sub part I published Feb 23, 1996.

Contact: LCDR Rick Ferraro, tel.: (202) 267-0386.

CGD 91-012
Security for Passenger
Vessels and Passenger
Terminals

This action will improve security measures on passenger vessels engaged in international voyages of 24 hours or more, and on the port facilities serving these vessels.

Status: Interim Rule published July 18, 1996.

Contact: CDR Dennis Haise, tel.: (202) 267-6451.

CGD 92-013
User Fees For Approvals
of Equipment,
Laboratories, and
Servicing Facilities

This regulatory project would establish direct user fees for Coast Guard services relating to equipment approvals, factory inspections, acceptance of independent laboratories and acceptance of servicing, repair, and testing facilities.

Status: Project being reviewed

Contact: Mr. Jack Klingel, tel.: (202) 267-6826.

CGD 93-056
Facilities Transferring Oil
and Hazardous Material
in Bulk

This rulemaking will revise the provisions of 33 CFR part 154 to provide regulations covering facilities transferring oil or hazardous materials that are clearer than the current regulations and promote a high level of safety and environmental protection.

Status: NPRM published February 23, 1995 (60 FR 10044). Final Rule in Clearance.

Contact: LCDR John Farthing, tel.: (202) 267-0505.

CG 94-004
Amendment to 46 CFR
14—Revise
Recordkeeping of
Shipping Articles and
Certificates of Discharge

Coast Guard proposes to eliminate the requirement for maritime operating companies to submit copies of shipping articles, certificates of discharge, and other seamen employment documents to the Coast Guard. Companies will still be required to submit information contained in the certificates of discharge, but will be allowed to submit the required information electronically.

Status: NPRM published March 28, 1996 (61 FR 13796). Comment period closes on May 30, 1996.

G-M REGULATORY PROJECTS (CONT'D)

CGD 94-020 Navigational and Safety Equipment for Towing Vessels (103)

Contact: Mrs. Justine Bunnell, tel.: (703) 235-1951.

Rulemaking amends 33 CFR part 164 to require towing vessels of 12 meters or more in length to carry specified navigation equipment. A marine radar, a searchlight, appropriate charts, current publications, proper towlines, magnetic compasses, electronic positioning devices, and depth sounding devices are proposed depending on the area of operation. See article in this newsletter for more details.

Status: NPRM published on November 3, 1995 (60 FR 55890). Comment period closed February 1996. Final Rule published on July 3, 1996 (61 FR 35064)

Contact: LCDR Englebert, tel.: (202) 267-1492, fax.: (202) 267-4547.

CGD 94-029 Modernization of Examination Methods

This rule will amend 46 CFR parts 10 and 12 to allow other than written exams, and third party testing.

Status: NPRM 60 FR 10053 - 2/23/95.

Contact: Mr. Mark Gould, tel.: (202) 267-6890.

CGD 94-041 Radar-Observer Endorsement for Operators of Uninspected Towing Vessels

Coast Guard is amending its regulations to require that, at the time of license renewal, each licensed master, mate, and operator of a radar-equipped uninspected towing vessel of 26 feet or more in length obtain a radar-observer endorsement.

Status: IFR published on October 26, 1994 (59 FR 53754), Comment period closed June 1, 1995 (60 FR 8308). The Coast Guard reopened this public comment period on its Interim Rule on May 3, 1996 (61 FR 19859). Comment period closed on July 2, 1996. Final Rule is being drafted. The Coast Guard is currently reviewing comments and drafting the final rule.

Contact: LCDR Don Darcy, tel.: (202) 267-0221

CGD 94-089 Advance Notice of Arrivals, Departures, and Certain Dangerous Cargoes

This project will amend requirements for notice of arrival and departure in 33 CFR 160, Subpart C. Section 160.207 will now apply to non-excepted vessels over 300 gross tons destined for or departing from all ports and places of the United States, and to all non-excepted foreign vessels, regardless of tonnage, destined for or departing from all ports and places of the Seventh District.

Status: NPRM published January 17, 1996 (61 FR 1183). Comment period ends April 16, 1996.

Contact: CDR Dennis Haise, tel.: (202) 267-6451.

CGD 94-108 Revision to Subchapter J- Electrical Engineering Regulations

This rulemaking will revise technical areas of 46 CFR Subchapter J to clarify electrical engineering design, construction, and testing requirements; to delete obsolete requirements; to reflect experiences with vessel reflagging; and to more closely parallel international standards.

Status: Interim Rule published on June 4, 1996. Comment period ends on August 5, 1996. Rulemaking effective September 30, 1996.

Contact: Mr. Gerald Miente, tel.: (202) 267-0029.

CGD 94-111 Update 46 CFR 5, Personnel Action Regulations

This project would consolidate procedures for administrative hearings on the suspension and Revocation (S&R) of Merchant Mariner's credentials (MMCs) and on class II civil penalties. It would also update and revise the remainder of 46 CFR part 5.

Status: Workplan being revised.

Contact: LT J. Griffin, tel.: (202) 267-0687

CGD 95-010 Alternative Compliance

This rulemaking will provide owners of US tank vessels, passenger vessels, cargo vessels, miscellaneous vessels and mobile offshore drilling units an alternative method fulfill the requirements for vessel design, inspection, and certification. Under the rule, the Coast Guard will issue a certificate of inspection based upon a recognized classification society's report that the

G-M REGULATORY PROJECTS (CONT'D)

vessel complies with the International Convention for the Safety of Life at Sea, as amended (SOLAS), other applicable international conventions, classification society rules, and other specified requirements. This will reduce the burden on vessel owners and operators by eliminating duplicative plan reviews and inspections by the classification society and the Coast Guard.

Status: NPRM Published 22 June 95 (60 FR 32478) Comment Period Closed 20 Sept. 95.

Contact: LCDR G. Cummings, tel.: (202) 267-0171

CGD 95-027 Adoption of Industry Standards

This rulemaking revises or removes sections of 46 CFR that are obsolete, unnecessary or excessive by addressing regulations that can be replaced with proven industry standards without degrading the existing level of safety.

Status: NPRM published on December 20, 1995 (60 FR 65988). Comment period closed on February 20, 1996. FR published May 23, 1996 (61 FR 25984).

Contact: LCDR R. Butturini, tel.: (202) 267-0027.

CGD 95-028 Harmonization with International Safety Standards

This rulemaking will revise or remove sections of 46 CFR that are obsolete, unnecessary or excessive in order to harmonize the regulations with international safety standards.

Status: NPRM in clearance.

Contact: LTJG J. Twomey, tel.: (202) 267-0028.

CGD 95-055 Revisions to OUTV Licenses

This rulemaking would revise the requirements for licensing those individuals that operate towing vessels. It would institute new licenses with levels of qualification and with enhanced training and operating experience. Further, it would require that all towing vessels be manned by officers holding licenses specifically authorizing such service. It is based on the investigation of a collision of a tug and barge with a railroad bridge, near Mobile, Alabama, in September 1993, which caused 47 deaths. The casualty prompted the Coast Guard's report, Review of Marine Safety Issues Related to Uninspected Towing Vessels. Some of the recommendations contained in the review will be incorporated into this rulemaking.

Status: NPRM being drafted.

Contact: LCDR Don Darcy, tel.: (202) 267-0221

CGD 95-062 1995 Amendments to STCW

This rulemaking will revise the current rules on licensing and documentation, as well as those on workhours and watchkeeping [46 CFR parts 10, 12, and 15] to reflect the requirements in the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

Status: NPRM published on March 26, 1996 (61 FR 13284). Comment period ends on July 24, 1996. Notice of public meeting published in Federal Register (61 FR 16749) on April 17, 1996.

Contact: Mr. Christopher Young, tel.: (202) 267-0214.

Chapter IX of SOLAS: International Safety Management (ISM) Code Implementation

Rulemaking will define U.S. standards for implementation of mandatory ISM Code requirements of SOLAS. NVIC 2-94 provides guidelines for US companies voluntary implementation and certification program. International guidelines can be found in IMO Resolutions A.741(18) and A.788(19).

Status: Regulatory development will be initiated when the Coast Guard is given the authority to enforce Chapter IX of SOLAS. Studies on training needs, economic analysis and environmental impact have been contracted.

Contact: Mr. Bob Gauvin, tel.: (202) 267-1053.
